

ATTORNEY DOCKET  
017575.0774 (TAMUS 1910)

PATENT APPLICATION

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TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 CFR §1.53(b)

**Mail Stop Patent Application**  
Honorable Assistant Commissioner  
of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket: 017575.0774  
(TAMUS 1910)  
**Certificate of Express Mail**  
**No. EV352395810US**

Sir:

Transmitted herewith for filing is the original patent application of:

In re Application of: T. Erik Mirkov, et al.

Title: ***Stem-Regulated, Plant Defense Promoter and Uses Thereof in  
Tissue-Specific Expression in Monocots***

Enclosed are:

1. 50 pages of Specification, including 33 Claims and Abstract;
2. 22 pages of Formal Drawings (13 Figures);
3. Petition to Accept Color Drawings (2 pages)
4. This Transmittal form (2 pages);
5. 1 Page Certificate of Mailing by Express Mail;
6. check in the amount of \$760.00
7. check in the amount of \$130.00; and
8. Return receipt postcard.

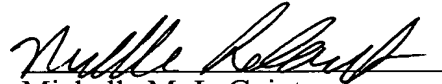
**Applicant is a small entity.**

**This application claims the priority benefit of U.S. Provisional Application Serial  
No. 60/437,890 filed January 3, 2003.**

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee \$385.00
Total Claims	33	-20	13	X \$9=	117.00
Independent Claims	9	-3	6	X \$43=	258.00
TOTAL FILING FEE =					760.00

Enclosed is a check in the amount of \$760.00 to satisfy filing fee requirements under 37 C.F.R. § 1.16. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
Michelle M. LeCointe  
Registration No. 46,861

Date: January 5, 2004

Correspondence Address:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

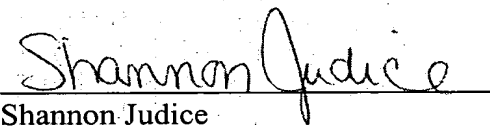
In re Application of: T. Erik Mirkov, et al.  
Date Filed: January 5, 2004  
Title: *Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots*

**Mail Stop Patent Application**  
Honorable Assistant Commissioner  
of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application, Formal Drawings, Petition to Accept Color Drawings, Transmittal for U.S. Patent Application, check in the amount of \$760, check in the amount of \$130, postcard and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 5th day of January, 2004 and is addressed to the Mail Stop: Patent Application, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Shannon Judice

Express Mail Receipt  
No. EV352395810US  
Attorney Docket:  
017575.0774  
(TAMUS 1910)

Attorney Docket No.  
017575.0774 (TAMUS1910)

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: T. Erik Mirkov, et al.  
Filing Date: January 5, 2004  
Title: *Stem-Regulated, Plant Defense Promoter and Uses  
Thereof in Tissue-Specific Expression in Monocots*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION TO ACCEPT COLOR DRAWINGS PURSUANT TO 37 C.F.R 1.84(a)(2)**

Applicants hereby petition the Examiner to accept color drawings pursuant to 37 C.F.R. 1.84(a)(2).

Specifically, Applicants respectfully request acceptance of color photographs of Figures 5, 6, 10, and 12. Copies of these Figures are enclosed in triplicate along with black and white copies that accurately depict, to the extent possible, the subject matter shown in the color drawing.

Applicants assert that the invention is more clearly and fully described by full color renderings of these photographs. Specifically, regions stained blue cannot be distinguished in black and white drawings and are necessary to understand certain embodiments of the invention. Additionally, red and green in microarrays and related plots are not distinguishable in black and white and are necessary to understand certain embodiments of the invention.

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Attorney Docket No.  
017575.0774 (TAMUS1910)

PATENT

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A check in the amount of \$130.00 is also enclosed to satisfy the petition fee of 37 C.F.R. §1.17(i). Although no other fees are believed to be required by this paper, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS, L.L.P.  
Attorney for Applicants



Michelle M. LeCointe  
Reg. No. 46,861

Date: January 5, 2004

Send Correspondence to:

Customer No. **05073**

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